

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3
4 In the Matter of)

5)
6 MUR 6195)
7 MICHAEL BOND)

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

8)
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12 **GENERAL COUNSEL'S REPORT**

13 Under the Enforcement Priority System, matters that are low-rated _____

14 _____ are

15 forwarded to the Commission with a recommendation for dismissal. The Commission has
16 determined that pursuing low-rated matters compared to other higher-rated matters on the
17 Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.
18 The Office of General Counsel scored MUR 6195 as a low-rated matter.

19 The complaint alleges that Michael Bond, a candidate for Congress in the 10th District
20 of Illinois, failed to file his Statement of Candidacy within 15 days of becoming a candidate,
21 as required by the Federal Election Campaign Act of 1971, as amended (the "Act").
22 2 U.S.C. § 432(e) and 11 C.F.R. § 101.1(a). The complaint included news articles in which
23 Bond is quoted as announcing his candidacy. See Roszkowski, John, "Bond to Go for the 10th
24 Seat," *Pioneer Press*, April 29, 2009; see also Ryan, Joseph, "Bond now in 10th District Race,"
25 *Daily Herald—Animal Farm Blog*, April 29, 2009. Further, the complainant states that
26 Mr. Bond has "demonstrated that he is beginning to expend funds" and points to an April 23,
27 2009, Roll Call article stating that Mr. Bond had hired individuals to act as employees or
28 consultants to his campaign. See Toeplitz, Shira, "Illinois: Bond Gearing up to run in 10th
29 District," *Roll Call*, April 23, 2009.

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1 In response, the Michael Bond for Congress Committee (the "Committee") asserts that
2 it fully complied with the requirements of the Act when it filed its Statement of Candidacy
3 with the Commission, which was received on June 9, 2009.¹ The Committee stated that it did
4 not receive its first contribution until June 1, 2009, and did not receive contributions
5 aggregating in excess of \$5,000, the threshold whereby an individual seeking nomination or
6 election to Federal office is deemed a "candidate" required to register with the Federal
7 Election Commission (the "Commission"), until June 9, 2009. *See* 2 U.S.C. § 431(2)(A) and
8 11 C.F.R. § 101.1(a). Accordingly, the Committee claims that it registered with the Federal
9 Election Commission within the 15 days of Mr. Bond becoming a candidate, as required by 11
10 C.F.R. § 101.1(a).

11 In light of the fact that the candidate apparently filed a Statement of Candidacy and the
12 Committee filed its Statement of Organization within only a few days of receipt of the
13 campaign's first contribution, and in furtherance of the Commission's priorities and resources,
14 relative to other matters pending on the Enforcement docket, the Office of General Counsel
15 believes that the Commission should exercise its prosecutorial discretion and dismiss the
16 matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

¹ We note parenthetically, that although the Statement of Candidacy was received on June 9, 2009 it was considered to be filed on June 3, 2009, since it was sent via registered mail on June 3, 2009.


RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss
MUR 6195, close the file, and approve the appropriate letter.

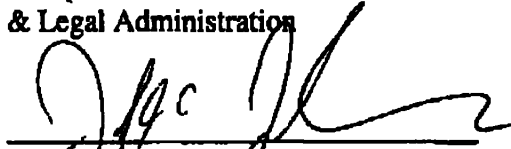
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